

REMARKS

Claims 1-19 are pending in the current application. Claims 20-27 have been previously canceled and claims 4-5, 7-9, 14-15 and 17-19 have been withdrawn from consideration.

Applicant hereby elects the Species 1 associated with Figure 2A (claims 1-3, 6, 10-13 and 16) with traverse.

Applicant confirms the conclusion within the Office Action that claims 1 and 10 are generic to all six alleged species identified therein. It is respectfully requested that upon allowance of claims 1 and 10, the withdrawn claims be brought back into the application.

The Office Action states that the previous election made in the response dated September 21, 2004, was directed to the species of Figures 2A and 2E (species 1 and 2). It is respectfully submitted that no claims particularly associated with Species 2 represented by Figure 2E are elected herein. Figure 2E illustrates active regions having corner rounding, and none of the elected claims (claims 1-3, 6, 10-13 and 16) **require** corner rounding of the active regions (however, none of the claims explicitly prohibit such a feature (due to the term "comprising" employed therein)).

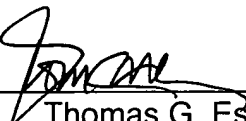
As stated in the response to the previous Office Action of September 1, 2004, the perceived problem highlighted above exists because claims 1-3, 6, 10-13 and 16 read on both species 1 and 2, since none of these claims require or preclude corner rounding, and no claims are currently pending that specifically require or prohibit corner rounding. ***The present election is appropriate because the corner rounding feature of Species 2 of Figure 2E is an obvious variant of Species 1 of Figure 2A.*** Evidence of such is provided in applicants' specification, for example, on page 12, line 30 - page 13, line 2, wherein it is explained that the corner rounding exhibited in Figure 2E is, in varying degrees, inherent in the standard photolithography processes employed in fabricating semiconductor devices, and such behavior is well known, understood and appreciated by those of ordinary skill in the art. Consequently, it is

respectfully submitted that the above election of Species 1 and the claims associated therewith is fully responsive to the above restriction requirement. **Accordingly, examination of claims 1-3, 6, 10-13 and 16 is respectfully requested.**

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 20-0688, TI-35853.

Respectfully submitted,
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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: January 7, 2005


Christine Gillroy